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5 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
6 AT TACOMA

7 EDWARD HEINZ,

8 Plaintiff,

9 v.

10 STG. BOYD, *et al.*,

11 Defendants.

Case No. C08-5251


ORDER ADOPTING REPORT AND
RECOMMENDATION DISMISSING
ACTION FOR FAILURE TO
PROSECUTE

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13 This civil rights action comes before the Court on the Report and Recommendation of the
14 Magistrate Judge that this action be dismissed for failure to prosecute. Plaintiff has not filed an
15 objection.

16 The Court, having reviewed the Report and Recommendation of Magistrate Judge Karen L.
17 Strombom, the Order to provide service, and the remaining record, does hereby find and ORDER:

- 18 (1) The Court adopts the Report and Recommendation;
19 (2) This action is **DISMISSED WITHOUT PREJUDICE**;
20 (3) The Clerk is directed to send copies of this Order to Plaintiff, counsel for Defendants,
21 and to the Hon. Karen L. Strombom.

22 DATED this 10th day of October, 2008.

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FRANKLIN D. BURGESS
25 UNITED STATES DISTRICT JUDGE

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ORDER - 2